

IC 9-32-3

Chapter 3. Powers and Duties of the Division

IC 9-32-3-1

Rights, duties, and obligations under article, rules

Sec. 1. The secretary may delegate any or all of the rights, duties, or obligations of the secretary under this article to:

- (1) the director; or
- (2) another designee under the supervision and control of the secretary.

The individual delegated has the authority to adopt and enforce rules under IC 4-22-2 as the secretary under IC 4-5-1-11.

As added by P.L.92-2013, SEC.78. Amended by P.L.174-2016, SEC.37.

IC 9-32-3-2

Secretary; responsibilities and duties

Sec. 2. The secretary shall do the following:

- (1) Administer and enforce:
 - (A) this article concerning the division; and
 - (B) the policies and procedures of the division.
- (2) Organize the division in the manner necessary to carry out the duties of the division.
- (3) Perform other duties as required by the division.

As added by P.L.92-2013, SEC.78.

IC 9-32-3-3

Expired

(As added by P.L.216-2014, SEC.158. Expired 7-1-2015 by P.L.216-2014, SEC.158.)

IC 9-32-3-4

Payment methods; electronic signatures

Sec. 4. (a) The secretary may accept payment of a correct fee by credit card, debit card, charge card, or similar method. However, if the fee is paid by credit card, debit card, charge card, or similar method, the legal obligation is not finally discharged until the secretary receives payment or credit from the institution responsible for making the payment or credit. The secretary may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the secretary or charged directly to the secretary's account, the secretary or the credit card vendor may collect from the person using the bank or credit card a fee that may not exceed the highest transaction charge or discount fee charged to the secretary by the bank or credit card vendor during the most recent collection period. This fee may be collected regardless of any agreement between the bank and a credit card vendor or regardless of any

internal policy of the credit card vendor that may prohibit this type of fee.

(b) A signature on a document that is electronically transmitted is sufficient if the person transmitting the document:

- (1) intends to submit the document as evidenced by a symbol executed or adopted by a party with present intention to authenticate the filing; and
- (2) enters the submitting party's name on the electronic form in a signature box or other place indicated by the secretary.

As added by P.L.174-2016, SEC.38.

IC 9-32-3-5

Prohibition of disclosure of personal information

Sec. 5. Except as provided in sections 6, 7, and 8 of this chapter, or as required by IC 5-14-3, an officer or employee of the division may not knowingly disclose or otherwise make available personal information, including highly restricted personal information, obtained in connection with an individual record.

As added by P.L.174-2016, SEC.39.

IC 9-32-3-6

Mandatory disclosure of personal information

Sec. 6. Personal information related to:

- (1) motor vehicle or driver safety and theft;
- (2) motor vehicle emissions;
- (3) motor vehicle product alterations, recalls, or advisories;
- (4) performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and
- (5) the removal of nonowner records from the original owner records of motor vehicle manufacturers;

must be disclosed under this chapter to carry out the purposes of the federal Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Anti-Car Theft Act of 1992 (49 U.S.C. 33101 et seq.), the Clean Air Act (49 U.S.C. 7401 et seq.), and all federal regulations enacted or adopted under those acts.

As added by P.L.174-2016, SEC.40.

IC 9-32-3-7

Disclosure of certain non-highly restricted personal information; proof of identity; permissible uses

Sec. 7. The division may disclose certain personal information that is not highly restricted information if the person requesting the information provides proof of identity as set forth under section 13 of this chapter and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

- (1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its

functions.

- (2) For use in connection with matters concerning:
 - (A) motor vehicle or driver safety and theft;
 - (B) motor vehicle emissions;
 - (C) motor vehicle product alterations, recalls, or advisories;
 - (D) performance monitoring of motor vehicles, motor vehicle parts, and dealers;
 - (E) motor vehicle market research activities, including survey research;
 - (F) the removal of nonowner records from the original owner records of motor vehicle manufacturers; and
 - (G) motor fuel theft under IC 24-4.6-5.
- (3) For use in the normal course of business by a business or its agents, employees, or contractors, but only:
 - (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and
 - (B) if information submitted to a business is not correct or is no longer correct, to obtain the correct information only for purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, an individual.
- (4) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.
- (5) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, redisclosed, or used to contact the individuals who are the subjects of the personal information.
- (6) For use by an insurer, an insurance support organization, or a self-insured entity, or the agents, employees, or contractors of an insurer, an insurance support organization, or a self-insured entity in connection with claims investigation activities, antifraud activities, rating, or underwriting.
- (7) For use in providing notice to the owners of towed or impounded vehicles.
- (8) For use by a licensed private investigative agency or licensed security service for a purpose allowed under this section.
- (9) For use in connection with the operation of private toll transportation facilities.
- (10) For any use in response to requests for individual motor vehicle records when the division has obtained the written consent of the person to whom the personal information pertains.

(11) For bulk distribution for surveys, marketing, or solicitations when the division has obtained the written consent of the person to whom the personal information pertains.

(12) For use by any person, when the person demonstrates, in a form and manner prescribed by the division, that written consent has been obtained from the individual who is the subject of the information.

(13) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

As added by P.L.174-2016, SEC.41.

IC 9-32-3-8

Disclosure of highly restricted personal information

Sec. 8. Highly restricted personal information may be disclosed by the division only as follows:

(1) With the express written consent of the individual to whom the highly restricted personal information pertains.

(2) In the absence of the express written consent of the person to whom the highly restricted personal information pertains, if the person requesting the information:

(A) provides proof of identity as set forth in section 13 of this chapter; and

(B) represents that the use of the highly restricted personal information will be strictly limited to at least one (1) of the uses set forth in section 7(1), 7(4), and 7(6) of this chapter.

As added by P.L.174-2016, SEC.42.

IC 9-32-3-9

Preconditions for disclosure of personal information

Sec. 9. The division may, before disclosing personal information, require the requesting person to satisfy certain conditions for the purpose of ascertaining:

(1) the correct identity of the requesting person;

(2) that the use of the disclosed information will be only as authorized; or

(3) that the consent of the person who is the subject of the information has been obtained.

The conditions may include the making and filing of a written application on a form prescribed by the division and containing all information and certification requirements required by the division.

As added by P.L.174-2016, SEC.43.

IC 9-32-3-10

Permissible uses of disclosed personal information

Sec. 10. (a) An authorized recipient of personal information, except a recipient under section 7(10) or 7(11) of this chapter, may resell or redisclose the information for any use allowed under section 6 of this chapter, except for a use under section 7(10) or 7(11) of this

chapter.

(b) An authorized recipient of a record under section 7(10) of this chapter may resell or redisclose personal information for any purpose.

(c) An authorized recipient of personal information under section 7(10) of this chapter may resell or redisclose the personal information for use only in accordance with section 7(11) of this chapter.

(d) Except for a recipient under section 7(10) of this chapter, a recipient that resells or rediscloses personal information shall maintain and make available for inspection to the division, upon request, for at least five (5) years, records concerning:

(1) each person that receives the information; and

(2) the permitted use for which the information was obtained.

As added by P.L.174-2016, SEC.44.

IC 9-32-3-11

Adoption of rules

Sec. 11. The secretary may adopt rules under IC 4-22-2 to carry out this chapter.

As added by P.L.174-2016, SEC.45.

IC 9-32-3-12

Misrepresentation of identity; Class C misdemeanor

Sec. 12. A person requesting the disclosure of personal information or highly restricted personal information from records of the division that knowingly or intentionally misrepresents the person's identity or makes a false statement to the division on an application required to be submitted under this chapter commits a Class C misdemeanor.

As added by P.L.174-2016, SEC.46.

IC 9-32-3-13

Acceptable forms of identification

Sec. 13. The following are acceptable forms of identification for purposes of section 7 of this chapter:

(1) An unexpired driver's license.

(2) An unexpired identification card issued under IC 9-24-16-1, photo exempt identification card issued under IC 9-24-16.5, or similar card issued under the laws of another state or the federal government.

(3) An unexpired government issued document bearing an image of the individual requesting the information.

As added by P.L.174-2016, SEC.47.